

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

EAST COAST SHEET METAL
FABRICATING CORP., D/B/A
EASTCOAST CAD/CAM,

Plaintiff,

v.

AUTODESK, INC.,

Defendant.

Civil No. 1:12-cv-00517LM

[PROPOSED] ORDER

Having considered Defendant's Motion for Sanctions Pursuant to Rule 11 and the parties' arguments in support and in opposition to the motion.

IT IS HEREBY ORDERED that the Motion is GRANTED.

The Court finds that East Coast and its attorneys breached their duty to conduct a reasonable inquiry into the facts concerning East Coast's infringement claims for U.S. Patent Nos. 7,499,839, 7,917,340, and 8,335,667 ([Doc. No. 1](#) at 11, [Doc. No. 15](#) at 6–7, and [Doc. No. 26](#) at 6–7) as well as the facts concerning East Coast's denial of invalidity, in particular its specific factual denials regarding the prior art Autodesk Building System (ABS) 2004 software ([Doc. No. 57](#) at 1, 2–3). East Coast's claims and contentions were and are objectively unreasonable and frivolous in that they violate two fundamental principles: patent claims cannot be read for infringement in a way that they would also encompass the prior art, and a patentee cannot recapture claim scope relinquished during the patent procurement proceedings.

Plaintiff East Coast Sheet Metal Fabricating Corp. is hereby ORDERED to pay all of Defendant Autodesk, Inc.'s reasonable attorney fees and other expenses directly resulting from East Coast's violation.

Autodesk shall submit *in camera* within two weeks a declaration setting forth and supporting its fees and costs associated with its defenses and counterclaims related to East Coast's claim for infringement of the asserted patents so that the Court can determine an appropriate award.

SO ORDERED.

Dated: _____, 2014

Judge Landya McCafferty
United States District Judge